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TRADE AND DEVELOPMENT BOARD
Commission on Investment, Technology
and Related Financial Issues
Expert Meeting on Competition Law and Policy
Geneva, 24 November 1997
Item 2 of the provisional agenda

ADOPTION OF THE AGENDA AND ORGANIZATION OF WORK

Provisional agenda and annotations

I. PROVISIONAL AGENDA

1. Election of officers

2. Adoption of the agenda and organization of work

3. (i) Consultations on competition law and policy, including the Model Law and studies related to the provisions of the Set of Principles and Rules

   (ii) Work programme, including technical assistance, advisory and training programmes on competition law and policy

4. Adoption of the report of the Meeting

II. ANNOTATIONS TO THE PROVISIONAL AGENDA

Item 1. Election of officers

The meeting will elect a Chairman and a Vice-Chairman-cum-Rapporteur.

Item 2. Adoption of the agenda and organization of work

The provisional agenda is in section I above.

Organization of work

In line with paragraph 114 of "A Partnership for Growth and Development" (TD/377), the Expert Meeting on Competition Law and Policy will last three days. The first plenary meeting will open at 10 a.m. on Monday, 24 November 1997 and be devoted to procedural matters (items 1 and 2) and to introductory statements. The closing plenary meeting, on 26 November, will be devoted to the work programme (agenda item 3 (ii)) and to the adoption of the report (agenda item 4). 1/

This will leave the remaining meetings, from the afternoon of 24 November to the morning of 26 November inclusive, for consultations on competition law and policy, including studies related to the provisions of the Set of Principles and Rules (agenda item 3 (i)). If more time is needed, the adoption of the report could be postponed to late afternoon of 26 November, in order for an afternoon informal working session to take place.

Item 3 (i). Consultations on competition law and policy, including the Model Law and studies related to the provisions of the Set of Principles and Rules

In paragraph 2 (c) of the agreed recommendations adopted by the Expert Meeting on Competition Law and Policy on 15 November 1996 (TD/B/COM.2/EM/5), it was recommended to the Commission on Investment, Technology and Related Financial Issues, which subsequently endorsed the agreed recommendations (TD/B/COM.2/4, annex I), that the UNCTAD secretariat be requested to prepare a study for consideration by the next Meeting on "empirical evidence of the benefits (including the benefits for consumers) to be gained by developing and least developed countries and countries in transition from applying competition law and policy principles to economic development in order to attain greater efficiency in international trade and development", on the basis of comments made at that meeting, and comments to be received by 31 January 1997. Accordingly, the study prepared by the UNCTAD secretariat on this issue (TD/B/COM.2/EM/10) will be submitted for consideration by the Expert Meeting.

Further, under paragraph 2 (d) of the same agreed recommendations, the experts requested the secretariat to continue to publish as non-sessional documents:

"(i) Further issues of the Handbook on Competition Legislation;

(ii) A revised version of the Commentary to the Model Law, taking into account new legislative developments in the field of competition; and

(iii) An updated version of the Directory of Competition Authorities."

An updated version of the Directory was published on 14 May 1997 (TD/B/COM.2/EM/7). A further issue of the Handbook containing the competition laws and appropriate commentaries of countries will be published as document TD/B/COM.2/EM/11 and a revised version of the Model Law will be published as document TD/B/COM.2/EM/12. 2/

Finally, under this item of the agenda, as requested by the Expert Meeting in November 1996, specific consultations are to be held on three subjects, as follows:

"(a) Non-price vertical restraints (selective distribution, exclusive dealing and franchising);

(b) Ways and means of promoting a competition culture and making transparent the benefits to be derived from competition policy;

(c) International aspects of competition and the problems for competition law enforcement, including international mergers and industrial concentration which affect other countries and the strengthening of international cooperation."

Should countries wish to hold consultations on additional subjects, they are requested to inform the secretariat well in advance (no later than end September 1997) in order for all participants to prepare themselves for such consultations. Moreover, for each of the subjects referred to above, the secretariat would be grateful if experts would volunteer to make short presentations.

Item 3 (ii). Work programme, including technical assistance, advisory and training programmes on competition law and policy

Under this item, the Expert Meeting is expected to give guidance to the UNCTAD secretariat as to further work to be undertaken on competition law and policy.

In particular, the Expert Meeting will have before it a "Review of technical cooperation activities undertaken by UNCTAD and other intergovernmental organizations, as well as States bilaterally, with a view to strengthening its ability to provide technical assistance for capacity-building in the area of competition law and policy" (TD/B/COM.2/EM/9), in line with the request contain in paragraph 4 of the resolution adopted by the Third Review Conference in November 1995 (TD/RBP/CONF.4/15, annex I).

On the basis of this review of technical cooperation, the Expert Meeting is expected to give further guidance to the secretariat for its technical cooperation activities and recommend ways and means to implement the points made by the Third Review Conference in the same resolution (para. 4), as follows:

(a) Encouraging providers and recipients of technical cooperation to take into account the results of the substantive work done by UNCTAD in the above-mentioned areas in determining the focus of their cooperation activities;

(b) Encouraging developing countries and countries in transition to identify specific competition law and policy areas and issues which they would wish to see receive priority attention in the implementation of technical cooperation activities;

(c) Identifying common problems encountered in the competition law and policy area which might receive attention in regional and subregional seminars;

(d) Enhancing cost-effectiveness, complementarity and collaboration among providers and recipients of technical cooperation, both in terms of the geographical focus of technical cooperation activities, taking into account the special needs of African countries, and the nature of cooperation undertaken;

(e) Preparation and execution of national, regional and subregional projects on technical cooperation and training in the field of competition law and policy, taking special account of those countries or subregions which have not received such assistance so far, especially in the field of law drafting and staff training, and enforcement capacity;

(f) Mobilizing resources and widening the search for potential donors for UNCTAD technical cooperation in this area.

In this connection, the Expert Meeting may also wish to decide how best to implement the request contained in paragraph 91 (iii) of "A Partnership for Growth and Development" with respect to "focusing on Africa by holding a regional meeting, creating relevant inventories and databases, and establishing a technical cooperation programme".

Item 4. Adoption of the report of the Expert Meeting on its second session

The Expert Meeting on Competition Law and Policy is required to report to the Commission on Investment, Technology and Related Financial Issues. 1/

Notes

1/ In view of the short duration of the session, the Rapporteur would be authorized to complete the final report after the close of the session.

2/ It should be noted that recurrent documents such as the Handbook of Competition Legislation and the Directory of Competition Authorities will continue to be published by the UNCTAD secretariat, but as non-sessional documents. It is expected that a limited number of these will be available in their preliminary form during the Expert Meeting.